

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

THE PENNSYLVANIA STATE
UNIVERSITY,

Plaintiff,

v.

VINTAGE BRAND, LLC;
SPORTSWEAR, INC., d/b/a PREP
SPORTSWEAR; and CHAD
HARTVIGSON,

Defendants.

No. 4:21-CV-01091

(Chief Judge Brann)

ORDER

NOVEMBER 4, 2024

In accordance with the accompanying Memorandum Opinion, **IT IS
HEREBY ORDERED** that:

1. Vintage Brand's motions *in limine* (Doc. 221) are **GRANTED** in part and **DENIED** in part as follows:
 - a. Granted as to evidence related to profits and revenues unrelated to any alleged infringement;
 - b. Granted as to prior trademark lawsuits and disputes involving Vintage Brand;
 - c. Granted as to any evidence or description of counterfeiting or counterfeit goods;
 - d. Granted as to evidence of Wayback Machine captures;
 - e. Granted as to evidence related to the use of licensing revenue to fund scholarships;
 - f. Granted in part and denied in part as to evidence related to manufacturing processes;
 - g. Granted as to lay testimony regarding mark consumer perception or recognition of Penn State marks;

- h. Deferred as to evidence of images of clothing bearing the Pozniak Lion design; and
 - i. Granted as to evidence or argument that trademarks bearing the Pozniak Lion design have achieved incontestable status.
- 2. Penn State's motions in limine are **GRANTED** in part and **DENIED** in part as follows:
 - a. Granted as to advice of counsel defense (Doc. 223);
 - b. Granted as to evidence related to Jerry Sandusky (Doc. 227);
 - c. Granted as to evidence related to Franklyn's Survey One (Doc. 229);
 - d. Granted as to any legal testimony (Doc. 231);
 - e. Granted as to any evidence related to copyright law (Doc. 233);
 - f. Denied as to evidence related to antitrust law (Doc. 235);
 - g. Denied as to evidence related to aesthetic functionality (Doc. 237); and
 - h. Granted as to evidence related to the First Amendment or dismissed claims or defenses (Doc. 239).
- 3. Penn State's motion to strike (Doc. 225) is **DENIED**.

BY THE COURT:

s/ Matthew W. Brann

Matthew W. Brann

Chief United States District Judge